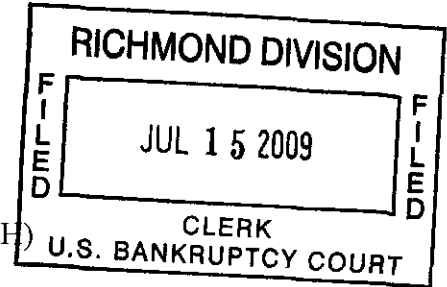


UNITED STATES BANKRUPTCY COURT
EASTERN DIVISION OF VIRGINIA
RICHMOND DIVISION

ORIGINAL



In re

Circuit City Stores, Inc., *et al.*,
Debtors.

Chapter 11

Case No. 08-35653 (KRH)
(Jointly Administered)

Hearing Date: July 23, 2009 at 11:00 a.m. (EDT)
Objection Deadline: July 16, 2009 at 4:00 p.m. (EDT)

**OPPOSITION OF MONSTER, LLC TO OBJECTION TO DEBTORS'
TWENTY-THIRD OMNIBUS OBJECTION TO CLAIMS**

1. Monster, LLC ("Monster"), an administrative and unsecured creditor of chapter 11 debtor Circuit City Stores, Inc. ("Debtor"), hereby files this *Opposition to Debtors' Twenty-Third Omnibus Objection To Claims (Modification Of Certain Duplicate 503(b)(9) Claims)* ("23rd Omnibus Objection"). The 23rd Omnibus Objection seeks to reduce Monster's Unsecured Claim (defined below) by the sum of \$159,122.52, a sum equal to Monster's Section 503(b)(9) Claim (defined below). By this Opposition, Monster opposes the relief sought pursuant to the 23rd Omnibus Objection as it is pre-mature and should be denied or, alternatively, continued until such time as the Bankruptcy Court enters a final Order resolving the Debtor's 20th Omnibus Claim Objection [Doc. 3704] ("20th Omnibus Objection") which seeks to reduce Monster's Section 503(b)(9) Claim by the sum of \$18,515.04.

2. On December 19, 2008, Monster timely filed a claim under §503(b)(9) of the Bankruptcy Code against the Debtor's estate in the amount of \$159,122.52 (the "Section 503(b)(9) Claim").¹ By the 20th Omnibus Objection the Debtor asserts that goods delivered under Monster's invoice 20022819, in the amount of \$18,515.04, were delivered outside the 20

¹ According to the 20th Omnibus Objection, the Debtor identifies Monster's Section 503(b)(9) Claim as "claim number 1349."

day pre-petition period allowed under Section 503(b)(9). Monster disputes this allegation and has filed written opposition to the 20th Omnibus Objection filed concurrently herewith ("Monster Opposition to 503(b)(9) Objection").

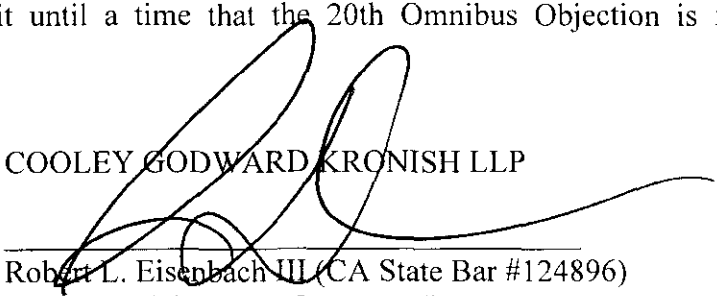
3. On January 29, 2009, Monster timely filed an unsecured claim against the Debtor's estate in the amount of \$2,118,299.31 ("Monster Unsecured Claim").² Included as a prophylactic component in the Monster Unsecured Claim are the sums sought by Monster in its Section 503(b)(9) Claim.

4. By the 23rd Omnibus Objection the Debtor asserts that Monster should reduce the amount of the Monster Unsecured Claim in an amount equal to the amount its Section 503(b)(9) Claim, \$159,122.52. However, the \$159,122.52 reduction of the Monster Unsecured Claim sought by the Debtor in the 23rd Omnibus Objection may be too large. It is therefore appropriate to deny the relief sought in the 23rd Omnibus Objection, or, alternatively, continue the 23rd Omnibus Objection until such time as the 20th Omnibus Objection is fully resolved.

WHEREFORE, Monster prays for an order denying the relief requested in the 23rd Omnibus Objection or continuing it until a time that the 20th Omnibus Objection is fully resolved.

Dated: July 13, 2009

COOLEY GODWARD KRONISH LLP



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² According to the 23rd Omnibus Objection, the Debtor identifies the Monster Unsecured Claim as "claim number 7807."

PROOF OF SERVICE

I, Kris Tsao Cachia, hereby declare:

I am employed in the City of San Francisco, County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Cooley Godward Kronish LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800.

On July 14, 2009, I served the foregoing document(s) described as:

**OPPOSITION OF MONSTER, LLC TO OBJECTION TO DEBTORS'
TWENTY-THIRD OMNIBUS OBJECTION TO CLAIMS**

on the interested parties in this action by placing a true copy(ies) thereof, on the above date, enclosed in sealed envelopes for service and prepared for processing as described below, and addressed and served in the manner indicated on the attached service list.

XX (BY FIRST CLASS MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for mailing with the United States Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the United States Postal Service.

* * * * *

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 14, 2009 at San Francisco, California.


Kris Tsao Cachia

SERVICE LIST

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